

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

ESTATE OF DORIS M. PEARLMAN; HEIDI
PEARLMAN AND JILL BETH PEARLMAN, in
their capacity as the Personal Representatives of the

Adv. Pro. No. 10-04504 (SMB)

Estate of Doris M. Pearlman, in their capacity as co-trustees of the Doris M. Pearlman Revocable Trust, and as subsequent beneficiaries; DORIS M. PEARLMAN REVOCABLE TRUST, as a subsequent beneficiary; and MARVIN A. GOLDENBERG, as a subsequent beneficiary,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Defendants Estate of Doris M. Pearlman (“Estate”); Doris M. Pearlman Revocable Trust (“Trust”); Heidi Pearlman and Jill Beth Pearlman, each in her capacity as the Personal Representatives of the Estate, and as co-trustees of the Trust; and Marvin A. Goldenberg (collectively “Defendants”), by and through their counsel, Richard A. Kirby of Baker & McKenzie LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against Doris M. Pearlman.
2. On October 10, 2011, Doris M. Pearlman died.
3. On January 30, 2012, the Trustee filed and served the First Amended Complaint against Defendants.
4. On November 24, 2014, Defendants filed an answer to the First Amended Complaint.
5. On August 22, 2017, the Parties entered into a settlement agreement (the

“Settlement Agreement”) pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [ECF No. 3181].

6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

[the remainder of this page intentionally left blank]

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: October 24, 2017
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*

Of Counsel:

BAKER & HOSTETLER LLP

811 Main Street, Suite 1100
Houston, Texas 77002-6111
Telephone: (713) 751-1600
Facsimile: (713) 751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com

BAKER & MCKENZIE LLP

By: /s/ Richard A. Kirby
815 Connecticut Ave, NW
Washington, D.C. 20006
Telephone: (202) 452-7023
Facsimile: (202) 452-7074
Richard A. Kirby
Email: Richard.Kirby@bakermckenzie.com

Attorneys for Defendants

SO ORDERED:

Dated: October 24, 2017
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge